

Feasibility Report—Public Access to Navigable River

1. Introduction:

This report examines the feasibility of providing public access to the Feather River, at the State Route (SR) 99 Nicolaus Bridge, in conformance with *Streets and Highways Code* 84.5, due to the construction of a new bridge across a navigable river.

Streets and Highway Code 84.5 states: “During the design hearing process relating to state highway projects that include the construction by the department of a new bridge across a navigable river, there shall be included full consideration of, and a report on, the feasibility of providing a means of public access to the navigable river for public recreational purposes”.

The Environmental Studies and public hearing process for this project were completed in November 2003. Section 3.10 of the project’s environmental document addressed “Parks, Recreational Areas, Wildlife and Waterfowl Refuges”. Impacts for those topical areas due to this project were deemed to be “less than adverse” and Caltrans mitigated those impacts as required by law. It is noted that one comment regarding access at the bridge site was received at the public meeting during circulation of the Draft Environmental Impact Report. This comment was addressed as required by law (see Attachment 8).

2. Define Transportation Project:

The Feather River bridge construction project (EA 1A432) is part of a larger project (EA 1C320) designed to increase capacity, and improve traffic operations and safety on SR 99, from the SR 99/70 junction to Sacramento Avenue (PM 8.7-14.3) and from Central Avenue to O’Banion Road (PM 16.8-23.0).

SR 99, between the SR 99/70 junction and Sacramento Avenue, will be widened from 2 to 4 lanes with a median/left-turn lane, requiring the addition of a 2-lane bridge directly east of, and parallel to, Feather River Bridge #18-0026 L, to accommodate northbound traffic (Attachment 1).

Rights of Way acquisition for this project was minimized to accommodate just the necessary “footprint” of the new bridge structure. Temporary construction easements

were also minimized, to reduce temporary and permanent impacts to sensitive natural environmental resources in the project area.

3. Describe project site and features:

- On the south side of the Feather River, just west of the small community of Nicolaus, SR 99 is elevated as it passes over Garden Highway (Garden Highway Undercrossing), approximately 200' before the beginning of the Feather River Bridge (Attachment 2). The bridge crosses the Feather River, its floodplain, and the levees on both sides of the floodplain (Attachment 3).
- Both levees have an unpaved road on top for maintenance access and patrol during flood stage.
- The bridge is 3148' long; the floodplain is almost as wide. The distance from the southern levee to the riverbank at the project site (approximately 525') is much closer than the distance from the northern levee to the riverbank - approximately 1820'. (Attachment 4).
- The speed limit on SR 99 is 65 mph. River access from SR99 is not allowed, or practical, as the roadway is elevated from both directions approaching the bridge.
- On the south side, Garden Highway (Nicolaus Avenue) parallels the south levee and the river throughout the project area. Parking is not prohibited on Garden Highway.
- The speed limit on Garden Highway in the area of the Undercrossing is 55 mph. Garden Highway traverses the Undercrossing of SR 99 on a curve with limited sight distance.
- The north levee does not have a parallel public road. It can be reached via Sacramento Avenue, which connects to SR 99 approximately one mile north of the bridge on SR 99.
- On Garden Highway, there is evidence of parking on private property along the road, west of the bridge and adjacent to a levee access road.
- On the north side of the river, there is a designated public parking area at the end of Sacramento Avenue, by the gate to a levee access road, for river access to the Nelson Slough Unit of the Feather River Wildlife Area. (Attachment 5)
- Metal beam guardrails shield the bridge columns of the Undercrossing on Garden Highway, and extend east and west almost to the edge of Caltrans right of way to protect errant motorists. There is little room for access onto the property on the river side of the road. The columns on the river side are located on the inside of a curve, and sight distance is limited. Steep 2:1 slopes run along the east and west sides of SR 99. Steep 1:1 abutment slopes run along Garden Highway, behind the metal beam guardrails.
- A private residence is located adjacent to Caltrans right of way on the east side of the Undercrossing. The steep 1:1 levee slope begins approximately 100' towards

the river from Garden Highway on the west side and approximately 150' on the east side. On the south side of Garden Highway, to the east and west of the Undercrossing, SR 99 on- and off-ramps terminate on Garden Highway, adding to safety concerns for pedestrians.

- On the north side of the river, Sacramento Avenue ends at the gated levee road, approximately 900' east of the bridge. A designated public parking area exists here as described above. Nelson Slough, part of the Feather River State Wildlife Area, runs along the base of the levee, under the bridge, on the river side of the levee. The river is approximately 1820' south of the levee.

4. Identify any existing public access to navigable river in project area:

- On the south side of the river, approximately 600' west of the bridge, there is evidence of the public parking on a short segment of private property along Garden Highway. Pedestrian access to the river is via a gated, unpaved levee access road, or a path leading directly up the levee.
- Also on the south side of the river, east of the bridge in Nicolaus, the public uses another unpaved levee access road from Garden Highway. Although the access road is gated, it is frequently unlocked for a local "paintball" company to allow floodplain access via four-wheeled recreational vehicles for its customers.
- Another access point south of the river is less than two miles downstream on Garden Highway, across from the golf course. "Beer Can Beach" (*local moniker*), on Nelson Bend, is accessed from a large parking area at a point where the road traverses the top of the levee. A number of trails lead down to the beach. The unpaved levee road to the east, which also leads to the beach, is gated off from the parking area.
- On the north side of the river, east of the bridge, the river is accessed by turning east off SR 99 onto Sacramento Avenue, about 1 mile north of the bridge. The levee is located approximately 1.2 miles along the road. While the levee gate is often closed, the public parks by the gate and accesses the floodplain on foot. At this location, the river is approximately 1820' from the levee to the south; the bridge is approximately 900' along the levee to the west. Occasionally, the California Department of Fish and Game (DFG) leaves the levee gate open, and closer access can be gained by driving east along the levee one quarter mile, then following another unpaved road south to within approximately 450' of the river. The DFG is studying the construction of a multi-functional recreation facility, including a boat ramp, at this location.

5. Identify alternatives for providing new or enhanced public access:

- A. Access at the south end of the bridge
- B. Access at the north end of the bridge
- C. The multifunctional recreation facility including a boat ramp, on the north bank of the river, upstream of the bridge, being proposed by DFG.

6. Describe impacts of each alternative to replace, modify or create a public access in project area:

- A. Access on the south end of the bridge:
 - Insufficient rights are currently owned by Caltrans within the bridge project rights of way to create an access route to the river. (Attachment 6)
 - Due to steep 1:1 slopes next to the highway and on the levee, constructing pedestrian access facilities in conformance with Americans with Disabilities Act (ADA) requirements will be difficult and costly, requiring a larger project footprint than is currently available with the existing project.
 - Construction of any roadway, ramp or steps built into the levee will require review and permits from many agencies, including the U.S. Army Corps of Engineers, Central Valley Flood Protection Board, etc.
 - Environmentally sensitive areas were identified within the original project limits. If public access were constructed at this location, additional environmental mitigation would be required.
 - River access would require traversing a wetland located in the floodplain, at the toe of the levee.
 - This would be a very expensive alternative.
- B. Access on the north end of the bridge:
 - On the north end of the bridge, Caltrans only holds easement rights in the area under the bridge—insufficient for creating public access to the river. (Attachment 7)
 - The bridge is a long distance from the nearest public access road (approximately 900' west of the road), and the river is approximately another 1820' to the south—almost one half mile away from the parking area.

- If vehicles are allowed along the existing levee and low-water levee roads, upgrades might be required to accommodate the public along the 900' stretch to the bridge.
- Also, if vehicles are allowed, a parking area would be required in Nelson Slough, part of the Feather River State Wildlife Area.

C. The multi-functional recreation facility being proposed by DFG would be located outside the normal high water zone, on DFG owned land.

- Please refer to DFG for progress and impacts on this plan.

7. Preliminary Cost Estimates and potential Funding sources:

Detailed cost estimates were not prepared for access at the south bridge abutment area. The project scope for providing access in this area would vary based on negotiations with permitting agencies to determine actual routing of the access provided. The variables that would affect cost include amount of additional Right of Way area required, cost of construction of ADA compliant facilities, and cost of additional environmental mitigation. A rough estimate for providing an access at this location would be \$50,000 to \$150,000, or more.

Detailed cost estimates were not prepared for accesses at the north bridge abutment, because this alternative was not deemed practical due to lack of accessibility from public streets.

The DFG project is still in the feasibility phase and has not yet been fully scoped. A cost estimate for this project is not currently available.

Currently there is no funding source available for any of the alternatives.

8. Coordination with other agencies:

- Coordination with many agencies would be required to provide review, approval and permitting for construction of public access facilities.
- Reclamation District 1001 has a right of way for reclamation purposes only for the south levee.
- The Sacramento and San Joaquin Drainage District has perpetual rights of way and easements from private owners on the south levee.

- The Department of Water Resources owns the north levee. It provides the State with an easement under the bridge.
- Sutter County owns right of way around and including Garden Highway.
- The State Lands Commission provides the state with a transportation easement—a narrow strip under the center of the bridge between the south levee and the river, and a wider strip through the river—for use in protecting the highway. It also owns the river between riverbanks.
- A private owner provides the State with strips of easement on both sides of the State Land Commission transportation easement, between the south levee and the river.
- The State Department of Fish and Game owns the land from the river to the north levee. The department provides the State with an easement under the bridge. The land in this area is part of the Feather River State Wildlife Area, owned and managed by this department.
- The State Department of Water Resources has a controlling interest in the river.
- The Central Valley Flood Protection Board has a controlling interest in the river.
- The U.S. Army Corps of Engineers has a controlling interest in the levees.
- The U.S. Fish and Wildlife Service has a controlling interest in the area between the south levee and the south side of the riverbank.
- The National Oceanic and Atmospheric Administration has a controlling interest by the south side of the riverbank, where The U.S. Fish and Wildlife Service ends, to the north end of the riverbank.
- Additionally, numerous parcels are privately owned.

9. Other discussion/information:

The levee on the south side of the Feather River is maintained and operated by Reclamation District 1001. This levee is posted “No Trespassing” along its length in the project area. Per the Reclamation District Manager, daily/intensive enforcement of “No Trespassing” on the levee is impractical. Public access is, therefore, tolerated within its jurisdiction as long as no levee damage or other nuisance is created at the access points, and no complaints are received from the other underlying or adjacent property owners. Law enforcement is summoned in those cases where nuisance occurs or damage is found.

• Americans with Disabilities Act (ADA) Considerations:

The construction of any pedestrian facilities to provide access from either outer levee to the river must comply with ADA requirements. This would require the acquisition of significant additional rights of way to meet slope and grade requirements. It would also require approval and permitting from several regulatory agencies.

10. Findings of Study:

It is not practical to construct new public access facilities within the existing and recently acquired Rights of Way for the new bridge. Slopes on the levee, lack of adequate parking, lack of a safe path near Garden Highway for pedestrians, and sensitive environmental resources adjacent to the bridge site make this site impractical for construction of a new public access.

There are several other existing access areas to the River in the project vicinity, including an officially designated parking area at the end of Sacramento Avenue, with access to Nelson Slough, part of the Feather River State Wildlife Area.

DFG is pursuing improved river access with a multi-functional recreation area at Nelson Slough, including an improved parking area and a boat ramp, on the north side of the river. It is our finding that this project would provide better, safer access when funding becomes available.

11. Study Team Members:

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Ron Tollison	Resident Engineer	(530) 822-4313
Ginger Congi	Right of Way Engineering Branch Chief	(530) 741-4118
Suzanne Melim	Environmental Biologist	(530) 741-4484
Marily Schmucki	Engineer	(530) 741-4496

12. Attachments:

Attachment 1:	Layout Sheet
Attachment 2:	South End of Bridge
Attachment 3:	Bridge and North End of Bridge
Attachment 4	Aerial Photograph
Attachment 5:	Feather River Wildlife Area Parking
Attachment 6	Right of Way, South
Attachment 7	Right of Way, North

03-SUT-99
Feather River Bridge
PM 10.0/14.7
Program Code: 20.10.025.713 (HE 13)
EA: 03-1A432 EFIS#: 0300000206
June 6, 2012

Attachment 8 Comment Card, Appendix B, FEIS

INDEX OF PLANS

SHEET No.	DESCRIPTION
1	TITLE AND LOCATION MAP
2-13	TYPICAL CROSS SECTIONS
14-31	LAYOUTS
32-58	PROFILE AND SUPERELEVATION DIAGRAMS
59-82	CONSTRUCTION DETAILS
83	TEMPORARY WATER POLLUTION CONTROL PLAN, DETAILS AND QUANTITIES
84-103	EROSION CONTROL PLAN, DETAILS AND QUANTITIES
104	CONTOUR GRADING
105-131	DRAINAGE PLANS, PROFILES, DETAILS AND QUANTITIES
132-147	UTILITY PLANS
148-149	CONSTRUCTION AREA SIGNS
150-208	STAGE CONSTRUCTION AND TRAFFIC HANDLING PLANS
209-210	DETOUR PLANS AND QUANTITIES
211-226	PAVEMENT DELINEATION AND SIGN PLANS, DETAILS AND QUANTITIES
227-230	SUMMARY OF QUANTITIES
231	ELECTRICAL PLANS
232-257	REVISED AND NEW STANDARD PLANS

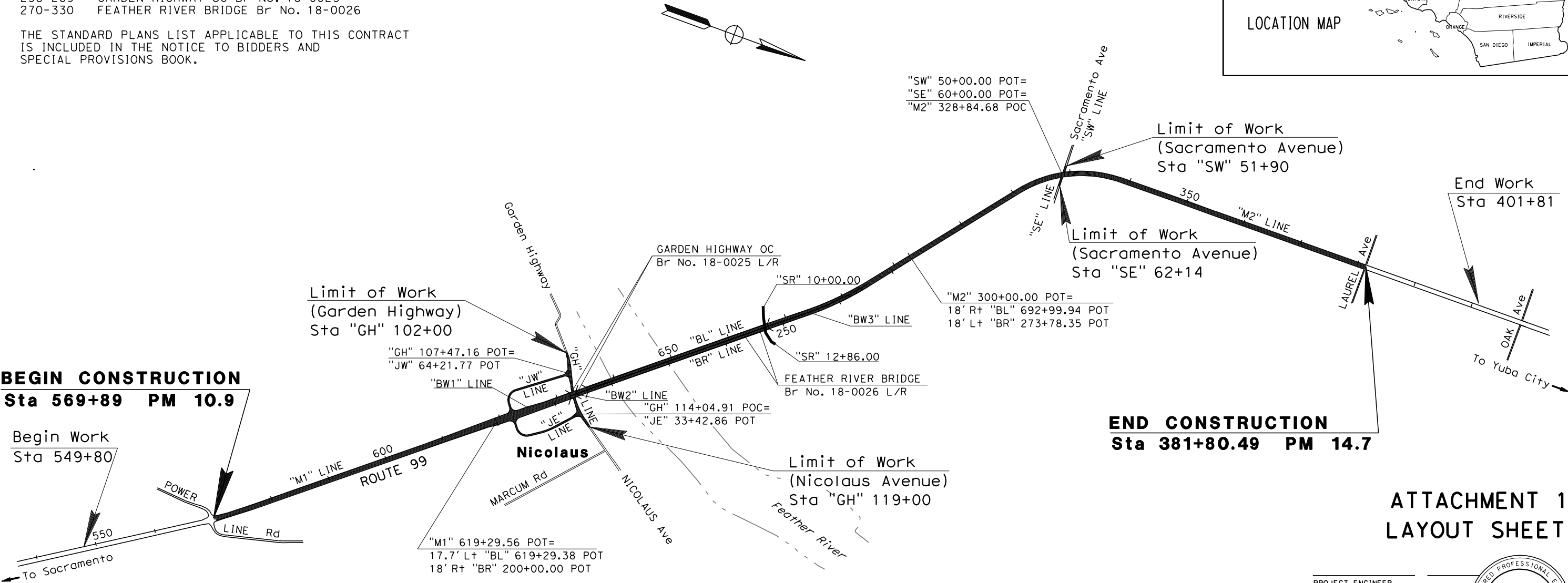
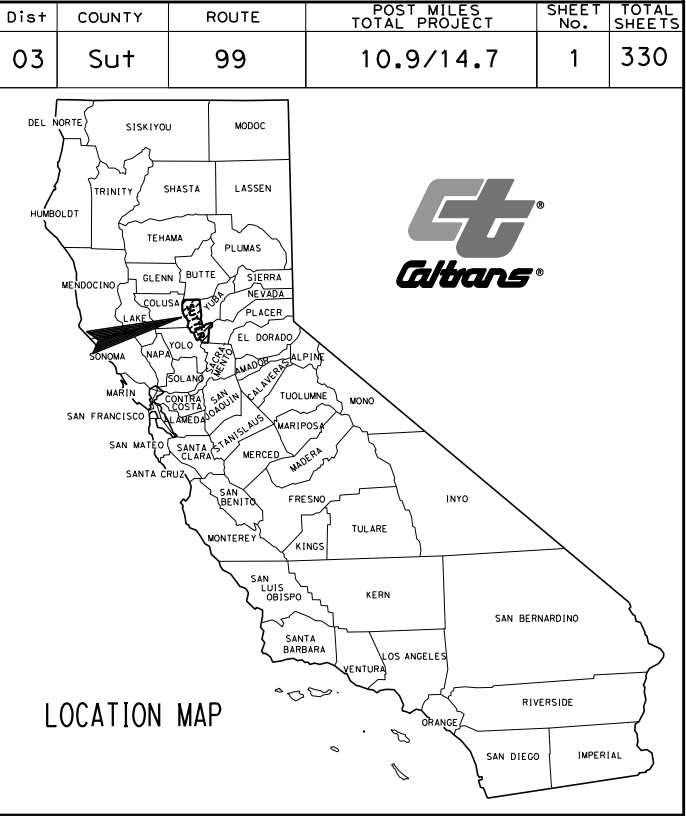
STRUCTURE PLANS

258-269	GARDEN HIGHWAY UC Br No. 18-0025
270-330	FEATHER RIVER BRIDGE Br No. 18-0026

THE STANDARD PLANS LIST APPLICABLE TO THIS CONTRACT IS INCLUDED IN THE NOTICE TO BIDDERS AND SPECIAL PROVISIONS BOOK.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
PROJECT PLANS FOR CONSTRUCTION ON
STATE HIGHWAY
IN SUTTER COUNTY
NEAR NICOLAUS
FROM POWER LINE ROAD
TO 0.1 MILE SOUTH OF LAUREL AVENUE

TO BE SUPPLEMENTED BY STANDARD PLANS DATED MAY 2006



BEGIN CONSTRUCTION
Sta 569+89 PM 10.9

Begin Work
Sta 549+80

ATTACHMENT 1
LAYOUT SHEET

PROJECT ENGINEER
REGISTERED CIVIL ENGINEER

PLANS APPROVAL DATE

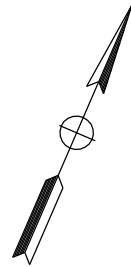
THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.



CONTRACT No.

CU

EA



← FEATHER RIVER

FLOODPLAIN

WETLAND

EXIST FEATHER RIVER BRIDGE Br No 18-0026 L
NEW FEATHER RIVER BRIDGE Br No 18-0026 R

WETLAND

BEGIN NEW BRIDGE

UNPAVED LEVEE ROAD

UNPAVED LEVEE ROAD

GARDEN HIGHWAY

PARKING OBSERVED

COUNTY R/W

COUNTY R/W

LEVEE ACCESS ROAD

NEW TOE OF SLOPE

RESIDENCE

EXIST GARDEN Hwy UC Br No. 18-0025 L
NEW GARDEN Hwy UC Br No. 18-0025 R

GARDEN HIGHWAY

METAL BEAM
GUARDRAIL

ATTACHMENT 2
SOUTH END OF BRIDGE

SR 99
ON/OFF RAMP

SR 99
ON/OFF RAMP

SR 99

SR 99

2

50

TANK

AC DIKE

AC DIKE

ASPH

ASPH

ASPH

ASPH

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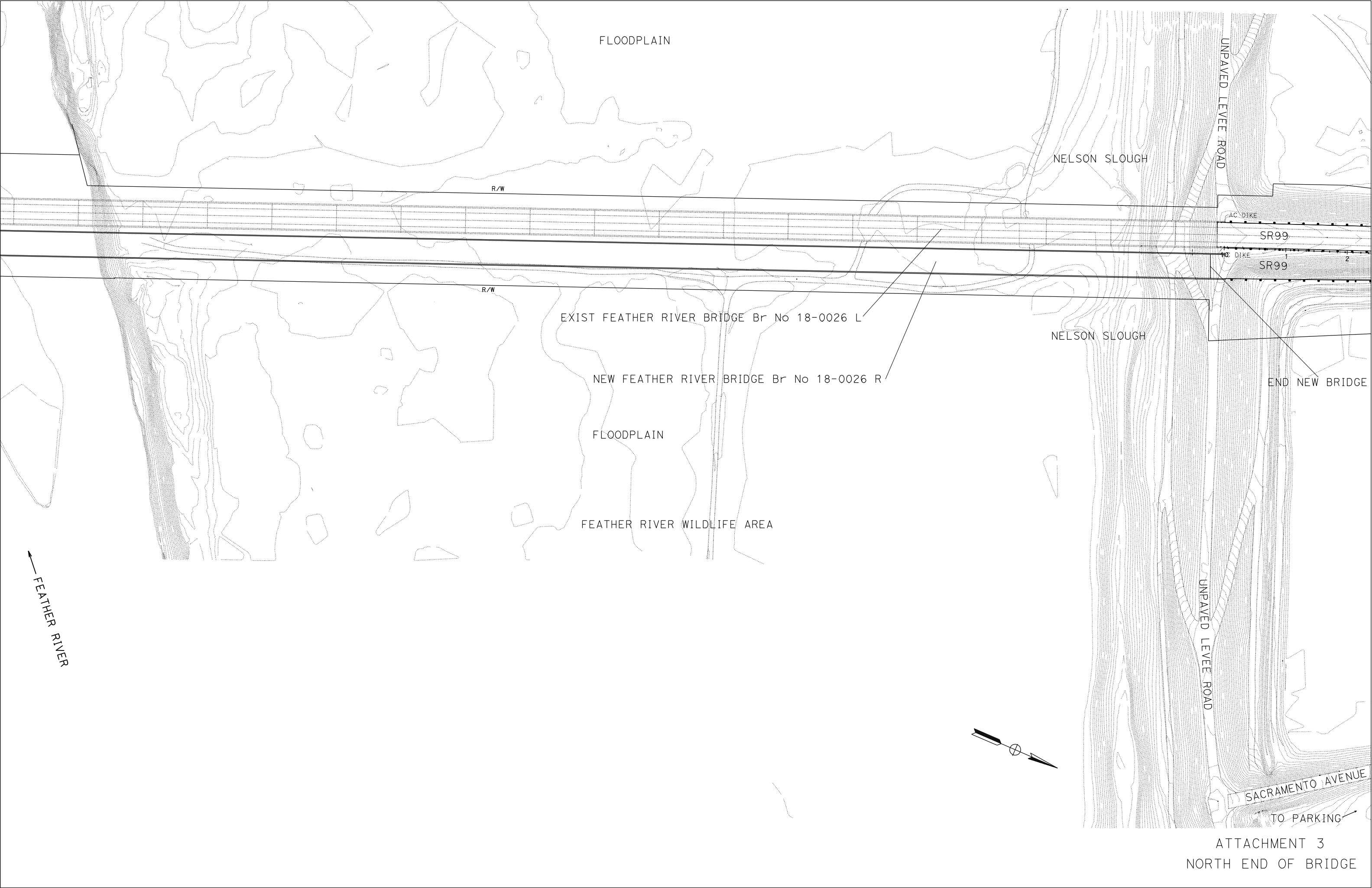
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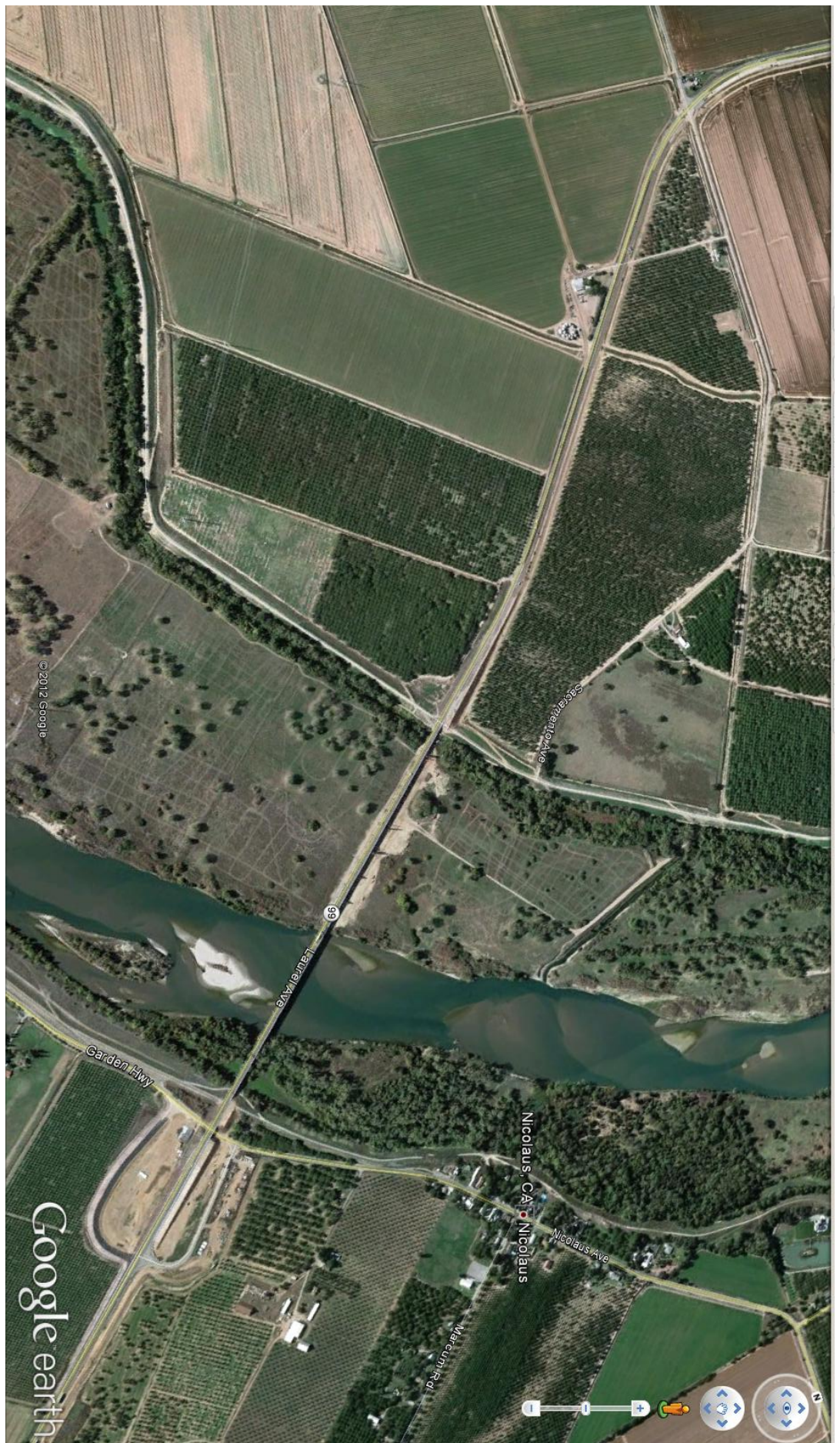
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ATTACHMENT 3
NORTH END OF BRIDGE



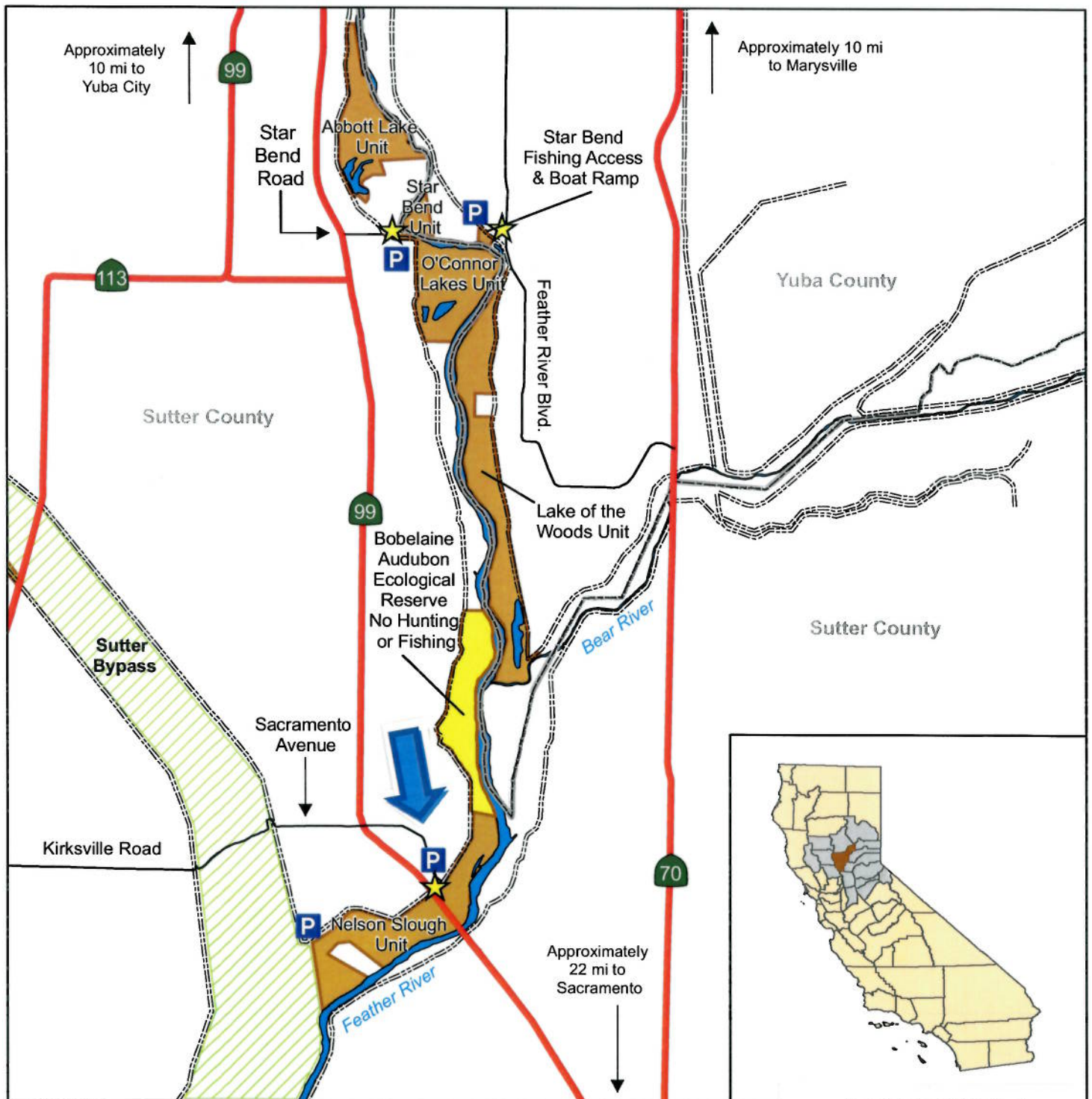
ATTACHMENT 4
AERIAL

California Department of Fish and Game

North Central Region

FEATHER RIVER WILDLIFE AREA

Sutter, Yuba Counties



ATTACHMENT 5
FEATHER RIVER PARKING



0 1.5 Miles

RESPONSE TO ANONYMOUS COMMENTS

During the appraisal process, you will receive a notice of our intent to appraise your property. At that time, we will ask that you meet with the appraiser to provide your input regarding all aspects of your property and any concerns/options you would like us to consider during the appraisal/valuation process. The appraisal and acquisition agent will be your Caltrans representative throughout the highway project and it is his/her responsibility to continually keep you informed as the project and valuation/acquisition process progresses.

3

STATE OF CALIFORNIA COMMENT CARD		DEPARTMENT OF TRANSPORTATION	
NAME (Please Print) <u>Anonymous</u>			
ADDRESS (Home)	<u>AL MENTED E, PICOBLAS</u>	CITY	STATE ZIP CODE
AUTHORIZED REPRESENTATIVE (Name of organization or agency) / ADDRESS (Business)			
COMMENTS			
IS INTERESTED IN CONTINUING TO HAVE ACCESS TO THE FORTYFOUR RIVER AT THE FORTYFOUR RIVER BRIDGE AREA (Near Residential Area). ALSO WOULD LIKE TO CONTINUE PROJECT IN PARCEL ADJACENT TO EAST OF 99 AT NICHOLAS AVE. WOULD LIKE TO CONSIDERATION OF RIVER OF WAY AND BE BRIEFED ON ANY DEVELOPMENTS			
For more comments use reverse side.			